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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91158625
Party	Defendant Dassault Systemes S. A. Dassault Systemes S. A. 9, Quai Marcel Dassault FRX Suresnes, 92150
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Date	06/30/2004
Attachments	Answer.pdf (4 pages)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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AUTODESK, INC,)	
)	
Opposer,)	
)	
vs.)	Opposition No. 91158625
)	
DASSAULT SYSTEMES S.A.,)	Serial No. 78/069,378
)	
Applicant.)	
)	

ANSWER

Applicant, Dassault Systemes S.A. ("Applicant"), by and through its attorneys, as and for its Answer to Plaintiff's Notice of Opposition, states as follows:

PARAGRAPH NO. 1:

Since well before the Applicant's application and claimed dates of use, Opposer has extensively promoted and sold computer software in the graphics, design, animation and multimedia fields in connection with marks having the component "3DS", throughout the world and in the United States. Applicant has long used the mark 3D STUDIO and, more recently 3DS MAX as a principal trademark for one of its main product lines. As a result of this, the mark **3DS** has achieved public recognition throughout the United States and the world, and is recognized as being associates with Opposer and its products.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and therefore denies those allegations.

PARAGRAPH NO. 2:

Opposers [sic] are the owners of various registrations for the trademark **3DS MAX** in United States (Registration No. 2733869) in the European Community (Reg. No. 1936822) and in other areas of the world.

RESPONSE:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and therefore denies those allegations.

PARAGRAPH NO. 3:

The software and related products of Opposer and those of Applicant are sufficiently closely related that consumer confusion is likely, based upon the stated goods set forth in the application and upon marketplace realities. Opposer and Applicant are direct competitors.

RESPONSE:

Denied.

PARAGRAPH NO. 4:

Applicant's mark "3DS" (to the extent it is interpreted as such) appropriates a principal component of Opposer's marks. Opposer does not particularly object to the graphical representation of Applicant's mark. However that mark is described as having the alphanumeric identity to "3DS" to which Opposer strenuously objects. Opposer specifically objects to the characterization of the mark as "3DS" and use by Applicant as such, rather than to the visual mark itself.

RESPONSE:

Denied.

PARAGRAPH NO. 5:

In view of the similarity of the marks and the goods of Applicant and Opposer, it is alleged that applicant's mark so resembles Opposer's previously used mark, as to be likely to cause confusion, or to cause mistake, or to deceive.

RESPONSE:

Denied.

AFFIRMATIVE DEFENSE

1. Opposer fails to state a claim upon which relief can be granted.

I hereby certify that this correspondence is being transmitted by electronic mail or facsimile to the United States Patent and Trademark Office on June 30, 2004.

Respectfully submitted,

Dated: June 30, 2004



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing
ANSWER was served on counsel for the Opposer on this 30th day of June, 2004, by First
Class Mail, addressed as follows:

Michael J. Hughes
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Date: June 30, 2004


